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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,557	06/24/2003	Thomas A. Makowski	5150-81100	1251
7590	08/12/2008		EXAMINER	
Jeffrey C. Hood Meyertons, Hood, Kivlin, Kowert & Goetzel P.O. Box 398 Austin, TX 78767			DAO, THUY CHAN	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/602,557	MAKOWSKI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Thuy Dao	2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 June 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 and 26-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 and 26-28 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 12 December 2007 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

### **DETAILED ACTION**

1. This action is responsive to the amendment filed on June 9, 2008.
2. Claims 1-18 and 26-28 have been examined.

### **Response to Amendments**

3. The objection to drawings is withdrawn in view of Applicants' amendments.
4. The objection to the specification is withdrawn in view of Applicants' amendments.
5. The 35 USC §112, first paragraph rejection over claims 1-18 and 26-28 is withdrawn in view of Applicants' persuasive arguments.

### **Response to Arguments**

6. Applicants' arguments have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections – 35 USC § 102**

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-18 and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by "LabView Function and VI Reference Manual", published January 1998 (art made of record, hereinafter "LabView98").

#### **Claim 1:**

LabView98 discloses a computer accessible memory medium comprising program instructions, wherein the program instructions are executable by a processor to implement:

*displaying a palette (e.g., page 1-2, Functions Palette),*

*including a display window comprising a plurality of graphical program nodes for use in a graphical program (e.g., pages 1-2 to 1-7, page 12-6),*

*wherein each graphical program node comprises an icon and program code (e.g., page 10-2, pages 2-4 to 2-6, 12-1 to 12-3, function nodes comprise icons and program code; pages 12-5, property nodes comprise icons and program code, page 33-19)*

*wherein each graphical program node is represented by the graphical program node's respective icon in the palette (e.g., page 13-1) and*

*is selectable from the palette for inclusion in the graphical program (e.g., page 33-19, pages 14-1 to 14-3);*

*wherein the plurality of graphical program nodes comprise a hierarchy of graphical program nodes (e.g., page 1-2, page 33-1 and 33-19), wherein said hierarchy comprises:*

*a first plurality of function nodes displayed in the display window, wherein each function node corresponds to a respective functionality (e.g., page 1-2, 13-20, 33-5); and*

*a second plurality of property nodes displayed in the display window, wherein each property node corresponds to a respective one of at least a subset of the plurality of function nodes (e.g., page 33-1 and 33-19),*

*wherein each property node is displayed proximate to said respective one of the at least a subset of the plurality of function nodes (e.g., page 1-2, 33-1, and 33-19).*

**Claim 2:**

The rejection of claim 1 is incorporated. LabView98 also discloses:

*each of the first plurality of function nodes comprises a polymorphic function node; and wherein each polymorphic function node corresponds to a respective generic functionality, wherein each function node is type-switchable between each of a plurality of function node types (e.g., page 2-2 to 2-4), and*

*wherein each function node type corresponds to a respective specific functionality (e.g., page 2-3 to 2-5, page 14-6).*

**Claim 3:**

The rejection of claim 2 is incorporated. LabView98 also discloses *each of the first plurality of function nodes has a default function node type, and wherein the default function node type corresponds to a respective default specific functionality for the function node* (e.g., page 1-2 and 33-1).

**Claim 4:**

The rejection of claim 1 is incorporated. LabView98 also discloses:

*the first plurality of function nodes are organized in the display window in accordance with one or more of: order of use in a typical graphical program development session* (e.g., page 1-2, 1-6, and 10-8);

*frequency of use in a typical graphical program development session; or functional relationships among the first plurality of function nodes* (e.g., page 1-2, 33-1, and 33-19).

**Claim 5:**

The rejection of claim 1 is incorporated. LabView98 also discloses *the first plurality of function nodes comprises two or more of: a channel creation node; a read node; or a write node* (e.g., page 33-5).

**Claim 6:**

The rejection of claim 5 is incorporated. LabView98 also discloses *the first plurality of function nodes further comprises: a wait until done node* (e.g., page 13-20 and 33-11).

**Claim 7:**

The rejection of claim 5 is incorporated. LabView98 also discloses *the two or more of the channel creation node, the read node, and the write node comprise a primary set of function nodes* (e.g., page 33-5).

**Claim 8:**

The rejection of claim 7 is incorporated. LabView98 also discloses *the first plurality of function nodes further comprises one or more of: a timing node; a triggering node; a start node; a stop node; or a clear node* (e.g., page 10-2, 10-6, 10-8, and 12-6).

**Claim 9:**

The rejection of claim 8 is incorporated. LabView98 also discloses:

*the one or more of the timing node, the triggering node, the start node, the stop node, and the clear node comprise a secondary set of function nodes* (e.g., page 10-2, 12-6); and

*wherein the primary set of function nodes and the secondary set of function nodes are displayed in the display window in respective groups* (e.g., page 10-6 and 10-8).

**Claim 10:**

The rejection of claim 9 is incorporated. LabView98 also discloses *in displaying the primary set of function nodes and the secondary set of function nodes in the display window in respective groups, the primary set of function nodes is displayed in a first row in the display window and the secondary set of function nodes is displayed in a second row in the display window* (e.g., page 33-1 and 33-19).

**Claim 11:**

The rejection of claim 9 is incorporated. LabView98 also discloses *in displaying the primary set of function nodes and the secondary set of function nodes in the display window in respective groups, the primary set of function nodes is displayed in a first column in the display window and the secondary set of function nodes is displayed in a second column in the display window* (e.g., page 12-1 to 12-3).

**Claim 12:**

The rejection of claim 1 is incorporated. LabView98 also discloses *each of the second plurality of property nodes comprises a function specific property node corresponding to a respective function; and wherein each function specific property node comprises one or more parameters for configuring corresponding attributes for the graphical program* (e.g., page 12-5, 1-3 to 1-7).

**Claim 13:**

The rejection of claim 12 is incorporated. LabView98 also discloses *the second plurality of property nodes comprises two or more of: a channel property node; a timing property node; a triggering property node; a read property node; or a write property node* (e.g., page 12-5, 33-5, 13-20, 10-6, and 10-8).

**Claim 14:**

The rejection of claim 13 is incorporated. LabView98 also discloses:

*in each property node being displayed proximate to the respective one of the at least a subset of the plurality of function nodes* (e.g., page 33-1 to 33-7),

*each property node is displayed in one of: a common row with the respective one of the at least a subset of the plurality of function nodes* (e.g., page 1-2, 33-19); or

*a common column with the respective one of the at least a subset of the plurality of function nodes* (e.g., page 14-1, 14-3, 33-1, 33-19).

**Claim 15:**

The rejection of claim 1 is incorporated. LabView98 also discloses:

*each function node comprises a function node icon, and wherein the function node icon comprises a first image; wherein each property node comprises a property node icon* (e.g., page 12-5 and 33-19) and

*wherein the function node icon comprises a second image; and wherein the second image comprises a version of the first image, indicating the correspondence*

*between the property node and the corresponding function node (e.g., page 1-2, 14-1, and 14-3).*

**Claim 16:**

The rejection of claim 1 is incorporated. LabView98 also discloses *displaying one or more tool icons in the display window, wherein each tool icon represents a respective graphical program development tool, and wherein each tool icon is user-selectable to invoke the respective graphical program development tool (e.g., page 2-2 to 2-4).*

**Claim 17:**

The rejection of claim 1 is incorporated. LabView98 also discloses *displaying one or more function palette icons in the display window, wherein each function palette icon represents a respective sub-palette of one or more additional function nodes and/or one or more additional function palettes (e.g., page 1-3 to 1-7, 33-1, and 33-19).*

**Claim 18:**

The rejection of claim 17 is incorporated. LabView98 also discloses  
*the one or more function palette icons are user-selectable to invoke display of one or more of: a palette of function nodes related to advanced device configuration (e.g., page 33-1 to 33-7);*

*a palette of function nodes related to advanced task configuration; or a palette of one or more additional sub-palettes comprising miscellaneous advanced function nodes (e.g., page 1-2 to 1-4, 33-1).*

**Claim 26:**

The rejection of claim 1 is incorporated. LabView98 also discloses:  
*the first plurality of function nodes comprises a generic read node and a generic write node; and wherein each property node corresponds to one of the generic read node or the generic write node (e.g., page 33-5), and*

*wherein the second plurality of property nodes comprises one or more read property nodes associated with the generic read node and one or more write property nodes associated with the generic write node (e.g., page 12-1 to 12-3).*

**Claim 27:**

LabView98 also discloses a method, comprising:

*displaying a palette (e.g., page 1-2, 33-1),*

*including a display window comprising a plurality of graphical program nodes for use in a graphical program (e.g., page 33-19),*

*wherein each graphical program node comprises an icon (e.g., page 1-2 to 1-7) and*

*program code (e.g., page 10-2, pages 2-4 to 2-6, 12-1 to 12-3, function nodes comprise icons and program code; pages 12-5, property nodes comprise icons and program code, page 33-19),*

*wherein each graphical program node is represented by the graphical program node's respective icon in the palette and is selectable from the palette for inclusion in the graphical program (e.g., page 14-6, page 2-2 to 2-4);*

*wherein the plurality of graphical program nodes comprises: a first plurality of function nodes displayed in the display window, wherein each function node corresponds to a respective functionality (e.g., page 12-1 to 12-3); and*

*a second plurality of property nodes displayed in the display window, wherein each property node corresponds to a respective one of at least a subset of the plurality of function nodes (e.g., page 33-1 and 33-19),*

*wherein each property node is displayed proximate to said respective one of the at least a subset of the plurality of function nodes (e.g., page 1-3 to 1-7, 33-19); and*

*including at least one function node of the first plurality of function nodes, and at least one property node of the second plurality of property nodes in a graphical program in response to user input (e.g., page 1-2, 33-1, 33-19).*

**Claim 28:**

LabView98 also discloses a system for graphical programming, comprising:

*a processor; and a memory medium coupled to the processor, wherein the memory medium stores program instructions that are executable by the processor to: display a palette, including a display window comprising a plurality of graphical program nodes for use in a graphical program (e.g., page 1-2),*

*wherein each graphical program node comprises an icon and program code (e.g., page 10-2, pages 2-4 to 2-6, 12-1 to 12-3, function nodes comprise icons and program code; pages 12-5, property nodes comprise icons and program code, page 33-19),*

*wherein each graphical program node is represented by the graphical program node's respective icon in the palette and is selectable from the palette for inclusion in the graphical program (e.g., page 2-2 to 2-4);*

*wherein the plurality of graphical program nodes comprises: a first plurality of function nodes displayed in the display window, wherein each function node corresponds to a respective functionality (e.g., page 3-5, 33-11, 10-2, 33-1); and*

*a second plurality of property nodes displayed in the display window, wherein each property node corresponds to a respective one of at least a subset of the plurality of function nodes (e.g., page 1-3 to 1-7, 12-1 to 12-3),*

*wherein each property node is displayed proximate to said respective one of the at least a subset of the plurality of function nodes (e.g., page 1-2, 33-1, 33-19).*

**Conclusion**

9. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone/fax numbers are (571) 272 8570 and (571) 273 8570, respectively. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thuy Dao/  
Examiner, Art Unit 2192

/Tuan Q. Dam/  
Supervisory Patent Examiner, Art Unit 2192